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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,788	12/29/2004	Hirohumi Iwasaki	01165.0932	3080

22852 7590 09/21/2007

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EXAMINER	
SALVATORE, LYNDA	
ART UNIT	PAPER NUMBER
1771	

MAIL DATE	DELIVERY MODE
09/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/519,788	IWASAKI ET AL.	
	Examiner	Art Unit	
	Lynda M. Salvatore	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment and accompanying remarks filed 7/3/07 have been fully considered and entered. Claims 1-7 have been amended as requested. Applicant's amendments are found sufficient to overcome the 112 2nd paragraph rejection set forth in section 2 of the Office Action dated 4/3/07. As such, these rejections are hereby withdrawn. However, upon further consideration, Applicant's amendments are not found patently distinct. The following necessitated new ground of rejection is set forth herein below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenworthy et al., US 4,582,666 in view of JP 06181688 A.

The patent issued to Kenworthy et al., teach a patterned non-woven fabric suitable for use as teabag paper (abstract and column 1, 18-30). Said non-woven fabric comprises thermoplastic polyolefin fibers (column 1, 20-30). Said non-woven fabric has a basis weight ranging from 8-65gsm (column 7, 15-21). Said non-woven fabric further has a void volume of 450 microns (column 3, 1-5). Kenworthy et al., does not teach the fiber diameter, however, the published JP abstract teach a non-woven fabric suitable for use as a coffee filter (abstract). The published JP abstract teaches that the non-woven fabric has fiber diameters of 25 microns (abstract). It is the

position of the Examiner that since the primary reference of Kenworthy fails to teach a fiber diameter it is proper to look to the prior art to identify known fiber materials suitable for the intended use. Thus, motivated by the desire to produce a non-woven fabric suitable for use as a teabag filter it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the non-woven fabric of Kenworthy et al., with fibers having the diameters set forth by published JP abstract.

With regard to the claimed delustering agent it is the position of the Examiner that the recitation of "or less", includes the value of zero.

With regard to the claimed heat contact bonding ratio, transparency, powder leakage and hydrophilicity, the combination of prior art does not explicitly teach the claimed properties. However, it is expected that said properties would be exhibited in the non-woven fabric provided by the combination of Kenworthy et al., in view of the published JP abstract. Support for said presumption is found in the use of like materials such as thermoplastic non-woven having the claimed void volume and fiber diameters. Applicant is invited to prove otherwise.

With regard to claim 10, it is the position of the Examiner that the shape of the fabric is not particularly novel and constitutes an intended use of the non-woven teabag paper. Thus, it is the position of the Examiner that it would be obvious to one having ordinary skill in the art to form the non-woven teabag paper in a suitable shape for the desired intended use.

With regard to claim 11, the type of tea material is not considered particularly novel and is not considered a material part of the claimed invention. It is the position of the Examiner that it would be obvious to one having ordinary skill in the art at the time invention was made to

employ the non-woven teabag paper to extract any type of tea including the ones set forth in claim 11.

4. Claim 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenworthy et al., US 4,582,666 in view of JP 06181688 A as applied to claims 1 and 2, and further in view of JP 07136066.

The combination of Kenworthy et al., in view of JP '688 does not teach a multi-layer laminate, however, the published JP '066 teaches a multi-layer non-woven filter suitable to filter tea (abstract). The published JP '066 teaches that the multi-layer filter material exhibits integral shaping workability, proper shape keeping performance and excellent filter performance (abstract.

Therefore, motivated by the desire to provide a non-woven teabag fabric with integral shaping workability, proper shape keeping performance and excellent filter performance, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the non-woven teabag fabric taught by Kenworthy et al., in view of JP '688 as a multi-layer taught by published JP '066.

With regard to claim 8, the published JP '066 does not teach the basis weight of the synthetic resin fabric, however, it is the position of the Examiner that it would be obvious to form the non-wove fabric of JP '066 with a suitable basis weight as function of desired intended use as a teabag filter paper. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F 2d 272, 205 USPQ 215 (CCPA 1980).

5. Claim 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenworthy et al., US 4,582,666 in view of JP 06181688 A as applied to claims 1 and 2 and further in view of Ryan et al., WO 98/50611.

The combination of Kenworthy et al., in view of JP '688 fail to teach the claimed spunbond non-woven structure made from the claimed polyester material, however, the published WO document issued to Ryan et al., teach a degradable fiber material comprising the claimed polyester fiber material (abstract, page 5). Ryan et al., further teach forming spunbonded non-woven fabrics (page 16). Spunbonded fabrics are a common type of non-woven structure. Ryan et al., teach that the polyester material is biodegradable (page 6).

Therefore, motivated by the desire to provide an environmentally friendly non-woven teabag fabric, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the non-woven teabag fabric taught by the combination of Kenworthy et la., in view of JP '688 with the biodegradable polyester fiber materials taught by Ryan et al.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M. Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 14, 2007
/Lynda Salvatore/
Primary Examiner
Art Unit 1771